

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court

District of the Northern Mariana Islands

JOHN BRADY BARRINEAU,
 Plaintiff,
 V.
PROMARINE TECHNOLOGY and CABRAS
MARINE CORPORATION,
 Defendants.

SUBPOENA IN A CIVIL CASE

CASE NUMBER:¹ **CV05-0028**

TO: **MR. GREG HALL**
GREG HALL INVESTIGATIONS
456 West O'Brien Drive, Suite 104D
Hagatna, Guam 96910

☐ **YOU ARE COMMANDED** to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

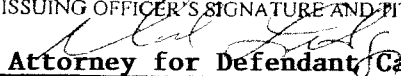
See attached Subpoena Duces Tecum.

PLACE CARLSMITH BALL LLP Suite 401, Bank of Hawaii Building 134 West Soledad Avenue Hagatna, Guam 96910	DATE AND TIME Tuesday, December 12, 2006 10:00 a.m.
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☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Defendant Cabras Marine Corporation	DATE December 5, 2006
--	---------------------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
David Ledger, Esq. - Carlsmith Ball LLP **#(671) 472-6813**
Suite 401, Bank of Hawaii Building
134 West Soledad Avenue
Hagatna, Guam 96910

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

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PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

12-05-06

Greg Hall Investigations / Reliance Testing

MANNER OF SERVICE

* Danielle L. Enriquez

SERVED BY (PRINT NAME)

DRUG/Alcohol coordinator

TITLE

Ronald Ponce

Courier / messenger

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

12-05-06

DATE

SIGNATURE OF SERVER

150 Ch. Botelagas Astorbo

ADDRESS OF SERVER

Dededo, Guam 96929

Rule 45, Federal Rules of Civil Procedure, Parts C & D:**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1 CARLSMITH BALL LLP

2 DAVID LEDGER
3 Carlsmith Ball LLP Building
4 Capitol Hill
5 Post Office Box 5241
6 Saipan, MP 96950-5241
7 Tel No. 670.322.3455

8 Attorneys for Defendant
9 Cabras Marine Corporation

10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE

12 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

13 JOHN BRADY BARRINEAU,

14 Plaintiff,

15 vs.

16 PROMARINE TECHNOLOGY and
17 CABRAS MARINE CORPORATION,

18 Defendants.

CIVIL ACTION NO. CV05-0028

**SUBPOENA DUCES TECUM;
CERTIFICATE OF SERVICE**

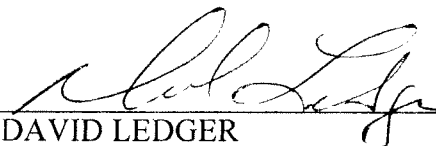
19 **TO: MR. GREG HALL**
20 **GREG HALL INVESTIGATIONS**
21 **465 West O'Brien Drive, Suite 104D**
22 **Hagåtña, Guam 96910**

23 On behalf of Defendant Cabras Marine Corporation in the above-entitled action, a
24 records deposition will be taken at the law offices of Carlsmith Ball LLP, Suite 401, Bank of
25 Hawaii Building, 134 West Soledad Avenue, Hagåtña, Guam 96910 on **Tuesday, December 12,**
26 **2006 at 10:00 a.m..** Please refer to the following list of items your are required to bring to the
27 deposition.
28

1. All photographs (regardless of format) depicting John Brady Barrineau.
2. All video (regardless of format) depicting John Brady Barrineau.
3. All documents, including hand written notes, concerning or bearing the name John Brady Barrineau.
4. Your log showing when, where, and by whom John Brady Barrineau was observed during the time you conducted work on behalf of Pro Marine Technology, its insurer, or Thomas Sterling, Esq.
5. All electronic media concerning or bearing the name John Brady Barrineau.
6. Any item not specifically listed which is contained in your file regarding John Brady Barrineau and the work you conducted on behalf of Pro Marine Technology, its insurer, or Thomas Sterling, Esq.

DATED: Hagåtña, Guam, December 4, 2006.

CARLSMITH BALL LLP


DAVID LEDGER
Attorneys for Defendant
Cabras Marine Corporation